

REMARKS

Applicants have received and reviewed a Final Office Action in this case dated May 21, 2004. Applicants request entry of this Amendment and reconsideration of the rejection of the claims.

Applicants have cancelled claims 26 and 27 without prejudice or disclaimer. Applicants reserve the right to pursue the subject matter of these claims in one or more continuation applications.

Applicants have amended claims 22-24 and 28-30. Applicants have amended the claims to correct dependencies and to clarify the subject matter of the claims. The support for the amendment can be found throughout the specification, including at page 11, lines 22-25; and page 6, lines 13-14.

Applicants have added new claim 32. Applicants submit the new claim is generally patterned after claim 28 and originally filed claim 15, and is supported throughout the specification.

Petition for Extension of Time

It is noted that a three-month extension of time is need for timely entry of the Amendment. Applicants have submitted with this response a Petition for a three-month extension of time.

Withdrawn Rejections

Applicants acknowledge the withdrawal of the rejection of claim 28 under 35 U.S.C. 112, second paragraph.

Applicants acknowledge the withdrawal of the rejection of claims 1 and 21-25 under the judicially created doctrine of obviousness-type double patenting.

Sequence Listing

The examiner failed to find an electronically readable sequence listing in the file record. Applicants have submitted with this response an electronically readable sequence listing in compliance with 37 CFR 1.821-1.825. Applicants have provided the sequence listing using an updated version of Patentin. Withdrawal of the objection is requested.

Information Disclosure Statement

Applicants submit herewith an Information Disclosure Statement.

Double Patenting

Claims 26-31 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1,4,6, 11-12 and 14 of U.S. Patent No. 6,121,022. While not acquiescing in the rejection and solely to expedite prosecution, Applicants have cancelled claims 26 and 27. Applicants have amended the dependencies of claims 28-30 and therefore the rejection no longer applies. Applicants respectfully request withdrawal of the rejection.

35 U.S.C. 112, Second Paragraph

Claims 26-31 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner contends that claim 26 is confusing as to the amino acid sequence of the receptor binding epitope. The Examiner also contends that the claim must recite a proper sequence as required by 37 CFR 1.821-1.825. While not acquiescing to the rejection and solely to expedite prosecution, Applicants have cancelled claims 26 and 27 without prejudice or disclaimer. Applicants respectfully request withdrawal of the rejection.

35 U.S.C. 112, First Paragraph

Claims 26-31 were rejected under 35 U.S.C. 112, first paragraph. The Examiner contends Applicants were not in possession of the genus of salvage receptor binding epitopes recited in claim 26. While acknowledging the literal support for the claim language in the specification, the Examiner contends the claim language does not describe Applicants' exemplified and preferred species, and does not encompass SEQ ID Nos. 1, 2, and the sequence shown in Figure 2a. Applicants respectfully traverse.

Although Applicants do not concede the propriety of this rejection, Applicants have cancelled claims 26 and 27 without prejudice or disclaimer. The remaining claims no longer depend from the cancelled claims. Applicants respectfully request withdrawal of the rejection.

Claims 27 and 29-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner contends that Applicants have failed to describe the genus of LFA-1 antagonists since the specification defines LFA-1 antagonist as including molecules that inhibit the interaction of LFA-1 and ICAM-1. Applicants traverse this rejection.

As an initial matter, Applicants note that claim 27 does not recite "LFA-1 antagonists," and assume for the purpose of this response that this rejection was intended to apply to claim 28. While Applicants do not agree with the rejection, in order to expedite prosecution, claim 28 has been amended. Amended claim 28 recites that the unmodified polypeptide is selected from the group consisting of antibody directed against CD11a or CD18 or both, a soluble form of ICAM-1, antibodies to ICAM-1, and fragments thereof. The Examiner has acknowledged that one of skill may reasonably envision the nature of antibodies of these specificities. Therefore, withdrawal of the rejection is requested.

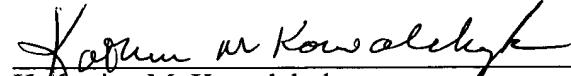
Summary

In view of the above amendments and remarks, Applicants respectfully request the issuance of a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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Date: November 17, 2004



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